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ORDINANCE NO. 3397

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING TITLE 20 OF THE EDMONDS COMMUNITY DEVELOPMENT CODE BY THE ADDITION OF A NEW CHAPTER 20.45 EDMONDS REGISTER OF HISTORIC PLACES AND FIXING A TIME WHEN THE SAME SHALL BE EFFECTIVE.

WHEREAS, after Public Hearing, the Edmonds City Council deems it to be in the public interest to provide for the identification, evaluation and protection of historic resources within the City of Edmonds for future generations through special valuation, a property tax incentive, as provided in Chapter 84.26 RCW in order to:

- A. Safeguard the heritage of the City as represented by those buildings, districts, objects, sites and structures which reflect significant elements of Edmonds history;
- B. Foster civic and neighborhood pride in the beauty and accomplishments of the past, and a sense of identity based on the City of Edmonds' history;
- C. Stabilize or improve the aesthetic and economic vitality and values of such sites, improvements and objects;
- D. Assist, encourage and provide incentives to private owners for preservation, restoration, redevelopment and use of outstanding historic buildings, districts, objects, sites and structures;
- E. Promote and facilitate the early identification and resolution of conflicts between preservation of historic resources and alternative land uses; and,
- F. Conserve valuable material and energy resources by ongoing use and maintenance of the existing built environment, and

WHEREAS, the Edmonds Planning Board has recommended approval of this ordinance and

WHEREAS, a Declaration of Nonsignificance has been issued by the City's responsible official under the State Environmental Protection Act; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. The Edmonds City Code, Title 20, is hereby amended by the addition of a new Chapter 20.45 Edmonds Register of Historic Places to read as follows:

**Title 20
REVIEW CRITERIA AND PROCEDURES**

**Chapter 20.45
EDMONDS REGISTER OF HISTORIC PLACES**

Sections:

20.45.000	Definitions
20.45.010	Criteria for Determining Designation in the Register
20.45.020	Process for Designating Properties or Districts to the Edmonds Historic Register
20.45.030	Removal of Properties from the Register
20.45.040	Effects of Listing on the Register
20.45.050	Review of Changes to Edmonds Register of Historic Places Properties
20.45.060	Relationship to Zoning
20.45.070	Review and Monitoring of Properties for Special Property Tax Valuation
20.45.080	Special Valuation Agreement.
20.45.090	Appeals
20.45.000	Definitions.

The following words and terms when used in this Chapter and in Chapter 10.90 of the Edmonds City Code, unless a different meaning clearly appears from the context:

A. “Edmonds Historic Inventory” or “Inventory” means the comprehensive inventory of historic and prehistoric resources within the boundaries of the City of Edmonds.

B. “Edmonds Historic Preservation Commission” or “Commission” means the Commission created by Chapter 10.90 of the Edmonds City Code.

C. “Edmonds Register of Historic Places”, “Local Register”, or “Register means the listing of locally designated properties provided for in Chapter 20.45.010.

D. “Actual Cost of Rehabilitation” means costs incurred within twenty-four months prior to the date of application and directly resulting from one or more of the following: a) improvements to an existing building located on or within the perimeters of the original structure; or b) improvements outside of but directly attached to the original structure which are necessary to make the building fully useable but shall not include rentable/habitable floor space attributable to new construction; or c) architectural and engineering services attributable to the design of the improvements; or all costs defined as “qualified rehabilitation expenditures” for purposes of the federal historic preservation investment tax credit.

E. A “building” is a structure constructed by human beings. This includes both residential and nonresidential buildings, main and accessory buildings.

F. “Certificate of Appropriateness” means the document reflecting that the Commission has reviewed the proposed changes to a local register property or within a local register historic district and certified the changes as not adversely affecting the historic characteristics of the property which contribute to its designation.

G. “Certified Local Government” or “CLG” means the designation reflecting that the local government has been jointly certified by the State Historic Preservation Officer and the National Park Service as having established its own historic preservation Commission and a program meeting Federal and State standards.

H. “Class of properties eligible to apply for Special Valuation in Edmonds means all properties listed on the National Register of Historic Places or certified as contributing to a National Register Historic District which have been substantially rehabilitated at a cost and within a time period which meets the requirements set forth in Chapter 84.26 RCW, until the City becomes a Certified Local Government (CLG). Once a

CLG, the class of properties eligible to apply for Special Valuation in Edmonds means all properties listed on the Edmonds and/or National Register of Historic Places or properties certified as contributing to an Edmonds and/or National Register Historic District which have been substantially rehabilitated at a cost and within a time period which meets the requirements set forth in Chapter 84.26 RCW.

I. “Cost” means the actual cost of rehabilitation, which cost shall be at least twenty-five percent of the assessed valuation of the historic property, exclusive of the assessed value attributable to the land, prior to rehabilitation.

J. A “district” is a geographically definable area urban or rural, small or large-possessing a significant concentration, linkage or continuity of sites, buildings, structures and/or objects united by past events or aesthetically by plan or physical development.

K. “Emergency repair” means work necessary to prevent destruction or dilapidation to real property or structural appurtenances thereto immediately threatened or damaged by fire, flood, earthquake or other disaster.

L. “Historic property” means real property together with improvements thereon, except property listed in a register primarily for objects buried below ground, which is listed in a local register of a Certified Local Government or the National Register of Historic Places.

M. “Incentives” are such rights or privileges or combination thereof which the City Council, or other local, state or federal public body or agency, by virtue of applicable present or future legislation, may be authorized to grant or obtain for the owner(s) of Register properties. Examples of economic incentives include but are not limited to tax relief, conditional use permits, rezoning, street vacation, planned unit development, transfer of development rights, façade easements, gifts, preferential leasing policies, beneficial placement of public improvements or amenities, or the like.

N. “Local Review Board”, or “Board” used in Chapter 84.26 RCW and Chapter 254-20 WAC for the special valuation of historic properties means the Commission created in Chapter 10.90 ECC.

O. “Mitigate” means to alleviate, compensate for or otherwise lessen the effects of a loss of an Edmonds Register property through conditions determined by the Commission or other designated method.

P. “National Register of Historic Places” means the national listing of properties significant to our cultural history because of their documented importance to our history, architectural history, engineering, or cultural heritage.

Q. An “object” is a thing of functional, aesthetic, cultural, historical, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

R. “Ordinary repair and maintenance” means work for which a permit issued by the City is not required by law, and where the purpose and effect of such work is to correct any deterioration or decay of or damage to the real property or structure appurtenance therein and to restore the same, as nearly as may be practicable, to the condition prior to the occurrence of such deterioration, decay, or damage.

S. “Owner” of property is the fee simple owner of record as exists on the Snohomish County Assessor’s records.

T. “Significance” or “significant” used in the context of historic significance means the following: a property with local, state, or national significance is one which helps in the understanding of the history of the local area, state, or nation (whichever is applicable) by illuminating the local, statewide, or nationwide impact of the events or persons associated with the property, or its architectural type or style in information potential. The local area can include Edmonds, Snohomish County, or the Puget Sound Region, or a modest geographic or cultural area, such as neighborhood. Local significance may apply to a property that illustrates a theme that is important to one or more localities; state significance to a theme important to the history of the state; and national significance to property of exceptional value in representing or illustrating an important theme in the history of the nation.

U. A “site” is a place where a significant event or pattern of events occurred. It may be the location of prehistoric or historic occupation or activities that may be marked by physical remains; or it may be the symbolic focus of a significant event or pattern of events that may not have been actively occupied. A site may be the location of ruined or now nonexistent building or structure of the location itself possesses historic cultural or archaeological significance.

V. “Special Valuation for Historic Properties” or “Special Valuation” means the local option program which when implemented makes available to property owners a special tax valuation for rehabilitation of historic properties under which the assessed value of an eligible historic property

is determined at a rate that excludes, for up to ten years, the actual cost of the rehabilitation. (Chapter 84.26 RCW)

W. “State Register of Historic Places” means the state listing of properties significant to the community, state, or nation but which may or may not meet the criteria of the National Register.

X. A “structure” is a work made up of interdependent and interrelated parts in a definite pattern of organization. Generally constructed by man, it is often an engineering project.

Y. “Universal Transverse Mercator” or “UTM” means the grid zone in metric measurement providing for an exact point of numerical reference.

Z. “Waiver of a Certificate of Appropriateness” or “Waiver” means the document indicating that the Commission has reviewed the proposed whole or partial demolition of a local register property or in a local register historic district and failing to find alternatives to demolition has issued a waiver of a Certificate of Appropriateness which allows the building or zoning official to issue a permit for demolition.

AA. “Washington State Advisory Council’s Standards for the Rehabilitation and Maintenance of Historic Properties” or “State Advisory’s Council’s Standards” means the rehabilitation and maintenance standards used by the Edmonds Historic Preservation Commission as minimum requirements for determining whether or not a historic property is eligible for special valuation and whether or not the property continues to be eligible for special valuation once it has been so classified.

20.45.010 Criteria for Determining Designation in the Register.

Any building, structure, site, object or district may be designated for inclusion in the Edmonds Register of Historic Places if it is significantly associated with the history, architecture, archaeology, engineering or cultural heritage of the community; if it has integrity; is at least 50 years old, or is of lesser age and has exceptional importance; and if it falls in at least one of the following categories.

A. Is associated with events that have made a significant contribution to the broad patterns of national, state or local history.

B. Embodies the distinctive architectural characteristics of a type, period, style or method of design or construction, or represents a

significant and distinguishable entity whose components may lack individual distinction.

C. Is an outstanding work of a designer, builder or architect who has made a substantial contribution to the art.

D. Exemplifies or reflects special elements of the City's cultural, special, economic, political, aesthetic, engineering or architectural history.

E. Is associated with the lives of persons significant in national, state or local history.

F. Has yielded or may be likely to yield important archaeological information related to history or prehistory.

G. Is a building or structure removed from its original location but which is significant primarily for architectural value, or which is the only surviving structure significantly associated with a historic person or event.

H. Is a birthplace or grave of a historical figure of outstanding importance and is the only surviving structure or site associated with that person.

I. Is a cemetery which derives its primary significance from age, from distinctive design features, or from association with historic events or cultural patterns.

J. Is a reconstructed building that has been executed in a historically accurate manner on the original site.

K. Is a creative and unique example of folk architecture and design created by persons not formally trained in the architectural or design professions, and which does not fit into formal architectural or historical categories, the designation shall include description of the boundaries.

20.45.020 Process for Designating Properties or Districts to the Edmonds Historic Register.

A. Any person may nominate a building, structure, site, object or district for inclusion in the Edmonds Register of Historic Places. Members of the Historic Preservation Commission or the Commission as a whole may generate nominations. In its designation decision, the Commission shall consider the Edmonds Historic Inventory and the City's Comprehensive Plan.

B. In the case of individual properties, the designation shall include the UTM reference and all features-interior and exterior-and outbuildings which contribute to its designation.

C. In the case of districts; the characteristics of the district which justifies its designation; and a list of all properties including features, structures, sites and objects which contribute to the designation of the district.

D. The Historic Preservation Commission shall consider the merits of the nomination, according to the criteria in Section 20.45.010 and according to the nomination review standards established in rules, at a public meeting. Adequate notice will be given to the public, the owner(s) and the authors of the nomination, if different, and lessees, if any, of the subject property prior to the public meeting according to standards for public meetings established in rules and in compliance with Chapter 42.30 RCW, Open Public Meetings Act. Such notice shall include publication in the City's official newspaper of general circulation and posting of the property. If the Commission finds that the nominated property is eligible for the Edmonds Register of Historic Places, the Commission shall make recommendation to the City Council that the property be listed in the register with owner's consent. In the case of historic districts, the Commission RESEARCH AND RECOMMEND, AND THE CITY COUNCIL SHALL ADOPT BY ORDINANCE, A PERCENTAGE OF PROPERTY OWNERS WHICH IS DEEMED ADEQUATE TO DEMONSTRATE OWNER CONSENT. The public, property owner(s) and the authors of the nomination, if different, and lessees, if any, shall be notified of the listing.

5. Properties listed on the Edmonds Register of Historic Places shall be recorded on official zoning records with an "HR" (for Historic Register) designation. This designation shall not change or modify the underlying zone classification.

20.45.030 Removal of Properties from the Register.

In the event that any property is no longer eligible for listing on the Edmonds Register of Historic Places, the Commission may initiate removal from such designation by the same procedure as provided for establishing the designation, Section 20.45.020. A property may be removed from the Edmonds Register without the owner's consent.

20.45.040 Effects of Listing on the Register.

A. Listing on the Edmonds Register of Historic Places is an honorary designation denoting significant association with the historic, archaeological, engineering or cultural heritage of the community. Properties are listed individually or as contributing properties to a historic district.

B. Prior to the commencement of any work on a register property, excluding ordinary repair and maintenance and emergency measures defined in Section 20.45.000(K) and (R), the owner must request and receive a Certificate of Appropriateness from the Commission for the proposed work. Violation of this rule shall be grounds for the Commission to review the property for removal from the register.

C. Prior to whole or partial demolition of a register property, the owner must request and receive a waiver of a Certificate of Appropriateness.

D. Once Edmonds is certified as a Certified Local Government (CLG), all properties listed on the Edmonds Register of Historic Places may be eligible for a special tax valuation on their rehabilitation (Section 20.45.070).

20.45.050. Review of Changes to Edmonds Register of Historic Places Properties.

A. Review Required

No person shall change the use, construct any new building or structure, or reconstruct, alter, restore, remodel, repair, move or demolish any existing property on the Edmonds Register of Historic Places or within a historic district on the Edmonds Register of Historic Places without review by the Commission and without receipt of a Certificate of Appropriateness, or in the case of demolition, a waiver, as a result of the review.

The review shall apply to all features of the property, interior and exterior, that contribute to its designation and are listed on the nomination form. Information required by the Commission to review the proposed changes are established in rules.

B. Exemptions

The following activities do not require a Certificate of Appropriate or review by the Commission: ordinary repair and maintenance-which

includes painting-or emergency measures defined in Section 20.45.000 (K)

C. Review Process

1. Requests for Review and Issuance of a Certificate of Appropriateness or Waiver.

The building or zoning official shall report any application for a permit to work on a designated Edmonds Register property or in a Edmonds Register historic district to the Commission. If the activity is not exempt from review, the Commission shall notify the applicant of the review requirements. The building or zoning official shall not issue any such permit until a Certificate of Appropriateness or a waiver is received from the Commission but shall work with the Commission in considering building and fire code requirements.

2. Commission Review.

The owner or his/her agent (architect, contractor, lessee, etc.) shall apply to the Commission for a review of proposed changes on a Edmonds Register property and request a Certificate of Appropriateness or, in the case of demolition, a waiver. Each application for review of proposed changes shall be accompanied by such information as is required by the Commission established in its rules for the proper review of the proposed project.

The Commission shall meet with the applicant and review the proposed work according to the design review criteria established in rules. Unless legally required, there shall be no notice, posting or publication requirements for action on the application, but all such actions shall be made at regular meetings of the Commission. The Commission shall complete its review and make its recommendations within thirty (30) days of the date of receipt of the application. If the Commission is unable to process the request, the Commission may ask for an extension of time.

The Commission's recommendations shall be in writing and shall state the findings of fact and reasons relied upon in reaching its decision. Any conditions agreed to by the applicant in this review process shall become conditions of approval of the permits granted. If the owner agrees to the Commission's recommendations, a Certificate of Appropriateness shall be awarded by the Commission according to standards established in the Commission's rules.

The Commission's recommendations and, if awarded, the Certificate of Appropriateness shall be transmitted to the building or zoning official. If a Certificate of Appropriateness is awarded, the building or zoning official may then issue the permit.

3. Demolition.

A waiver of the Certificate of Appropriateness is required before a permit may be issued to allow whole or partial demolition of a designated Edmonds Register property or in a Edmonds Register historical district. The owner or his/her agent shall apply to the Commission for a review of the proposed demolition and request a waiver. The applicant shall meet with the Commission in an attempt to find alternatives to demolition. These negotiations may last no longer than 45 days from the initial meeting of the Commission, unless either party requests an extension. If no request for an extension is made and no alternative to demolition has been agreed to, the Commission shall act and advise the official in charge of issuing a demolition permit of the Commission's decision on the waiver of a Certificate of Appropriateness. Conditions in the case of granting a demolition permit may include allowing the Commission up to 45 additional days to develop alternatives to demolition. When issuing a waiver the Commission may require the owner to mitigate the loss of the Edmonds Register property by means determined by the Commission at the meeting. Any conditions agreed to by the applicant in this review process shall become conditions of approval of the permits granted. After the property is demolished, the Commission shall initiate removal of the property from the register.

4. Appeal of the Commission's decision on a Waiver of a Certificate of Appropriateness.

The Commission's decision regarding a waiver of a Certificate of Appropriateness may be appealed to the City Council within fourteen (14) calendar days. The appeal must state the grounds upon which the appeal is based.

The appeal shall be reviewed by the Council only on the records of the Commission. Appeal of Council's decision regarding a waiver of a Certificate of Appropriateness may be appealed to Superior Court.

20.45.060 Relationship to Zoning.

Properties designated to the Register shall be subject to the provisions set forth herein, as well as the bulk, use, setback and other controls of the zoning district in which they are located. Nothing contained herein shall be construed to be repealing, modifying or waiving any zoning provisions.

20.45.070. Review and Monitoring of Properties for Special Property Tax Valuation

A. Timelines

1. The assessor forwards the application(s) to the Commissions.

2. The Commission reviews the application(s), consistent with its rules of procedure, and determines if the application(s) are complete and if the properties meet the criteria set forth in WAC 254-20-070(1) and listed in Section 20.45.010 of this ordinance.

a. If the Commission finds the properties meet all the criteria, then it may recommend that the City, through its Mayor, enter into a Historic Preservation Special Valuation Agreement (set forth in WAC 254-20-120 and in Section 20.45.000 (v.) of this ordinance) with the owner. Upon execution of the agreement between the owner and Commission, the Commission approves the application(s).

b. If the Commission determines the properties do not meet all the criteria, then it shall deny the application(s).

3. The Commission certifies its decisions in writing and states the facts upon which the approvals or denials are based and files copies of the certifications with the assessor.

4. For approved applications:

a. The Commission forwards copies of the agreements, applications and supporting documentation (as required by WAC 254-20-090 (4) and identified in subsection C(2) below of this ordinance) to the assessor,

b. notifies the state review board that the properties have been approved for special valuation; and

c. monitors the properties for continued compliance with the agreements throughout the 10 year special valuation period.

5. The Commission determines, in a manner consistent with its rules of procedure, whether or not properties are disqualified from special valuation either because of:

a. The owner's failure to comply with the terms of the agreement, or

b. because of a loss of historic value resulting from physical changes to the building or site.

6. For disqualified properties, in the event that the Commission concludes that a property is no longer qualified for special valuation, the Commission shall notify the owner, assessor and state review board in writing and state the facts supporting its findings.

B. Criteria

1. Historic Property Criteria:

The class of historic property eligible to apply for Special Valuation in Edmonds means all properties listed on the National Register of Historic Places or certified as contributing to a National Register Historic District which have been substantially rehabilitated at a cost and within a time period which meets the requirements set forth in Chapter 84.26 RCW, until Edmonds becomes a Certified Local Government (CLG). Once a CLG, the class of property eligible to apply for Special Valuation in Edmonds means all properties listed on the Edmonds and/ or National Register of Historic Places or properties certified as contributing to a Edmonds and/or National Register Historic District which have been substantially rehabilitated at a cost and within a time period which meets the requirements set forth in Chapter 84.26 RCW.

2. Application Criteria:

Complete applications shall consist of the following documentation:

a. A legal descriptive of the historic property,

b. comprehensive exterior and interior photographs of the historic property before and after rehabilitation,

c. architectural plans or other legible drawings depicting the completed rehabilitation work,

d. a notarized affidavit attesting to the actual cost of the rehabilitation work completed prior to the date of application and the period of time during which the work was performed and documentation of both to be made available to the Commission upon request, and

e. or properties located within historic districts, in addition to the standard application documentation, a statement from the Secretary of the Interior or appropriate local official, as specified in local administrative rules or by the local government, indicating the property is a certified historic structure is required.

3. Property Review Criteria:

In its review the Commission shall determine if the properties meet all the following criteria:

a. The property is historic property;

b. the property is included within a class of historic property determined eligible for special valuation by the City under this Section;

c. the property has been rehabilitated at a cost which meets the definition set forth in RCW 84.26.020(2) (and identified in Section 20.45.000 (I) of this ordinance) within twenty-four months prior to the date of application; and

d. the property has not been altered in any way which adversely affects those elements which qualify it as historically significant as determined by applying the Washington State Advisory Council's Standards for the Rehabilitation and Maintenance of Historic Properties (WAC 254-20-100 (1) and listed in Section 20.45.000 (I) of this ordinance).

4. Rehabilitation and Maintenance Criteria:

The Washington State Advisory Council's Standards for the Rehabilitation and Maintenance of Historic Properties in WAC 254-20-100 shall be used by the Commission as minimum

requirements for determining whether or not a historic property is eligible for special valuation and whether or not the property continues to be eligible for special valuation once it has been so classified.

20.45.080 Special Valuation Agreement.

The historic preservation special valuation agreement in WAC 254-20-120 shall be used by the Commission as the minimum agreement necessary to comply with the requirements of RCW 84.26.050 (2).

20.45.090 Appeals.

Any decision of the Commission acting on any application for classification as historic property, eligible for special valuation, may be appealed to Superior Court under Chapter 34.04.130 RCW in addition to any other remedy of law. Any decision on the disqualification of historic property eligible for special valuation, or any other dispute, may be appealed to the County Board of Equalization.

Section 1. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

APPROVED:

MAYOR, GARY HAAKENSEN

ATTEST/AUTHENTICATED:

CITY CLERK, SANDRA S. CHASE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY _____
W. SCOTT SNYDER

FILED WITH THE CITY CLERK:	05/03/2002
PASSED BY THE CITY COUNCIL:	05/07/2002
PUBLISHED:	05/12/2002
EFFECTIVE DATE:	05/17/2002
ORDINANCE NO. <u>3397</u>	

SUMMARY OF ORDINANCE NO. 3397

of the City of Edmonds, Washington

On the 7th day of May, 2002, the City Council of the City of Edmonds, passed Ordinance No. 3397. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING TITLE 20 OF THE EDMONDS COMMUNITY DEVELOPMENT CODE BY THE ADDITION OF A NEW CHAPTER 20.45 EDMONDS REGISTER OF HISTORIC PLACES AND FIXING A TIME WHEN THE SAME SHALL BE EFFECTIVE.

The full text of this Ordinance will be mailed upon request.

DATED this 8th day of May 2002.

CITY CLERK, SANDRA S. CHASE